IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

WP(C).No. 12956 of 2007(P)

PETITIONER:

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1. K.KADEEJA,
   JUNIOR PUBLIC HEALTH NURSE, PHC ODAKKAYAM,
   MALAPPURAM DISTRICT.

2. C.H.AYISHA,
   JUNIOR PUBLIC HEALTH NURSE, PHC ODAKKAYAM,
   MALAPPURAM DISTRICT.

3. VIJAYALAKSHMI P.,
   JUNIOR PUBLIC HEALTH NURSE, PHC WANDOOR,
   MALAPPURAM DISTRICT.

4. N.K.RAHMATH,
   JUNIOR PUBLIC HEALTH NURSE, PHC IRIMBILIYAN
   (KUTTIPPURAM), MALAPPURAM DISTRICT.

5. M.SARASWATHY,
   JUNIOR PUBLIC HEALTH NURSE, PHC THRIPPANACHI,
   MALAPPURAM DISTRICT.

6. K.KUMARI,
   JUNIOR PUBLIC HEALTH NURSE, PHC THRIPPANACHI,
   MALAPPURAM DISTRICT.

7. SOSAMMA VARGHESE,
   JUNIOR PUBLIC HEALTH NURSE, PHC KURUMBALANGODE,
   MALAPPURAM DISTRICT.

8. K.PREMASUDHA,
   JUNIOR PUBLIC HEALTH NURSE, PHC AMARAMBALAM,
   MALAPPURAM DISTRICT.

9. K.NIRMALA,
JUNIOR PUBLIC HEALTH NURSE, PHC KURUMBALANGODE,
MALAPPURAM DISTRICT.

10. INDIRA T.M.,
JUNIOR PUBLIC HEALTH NURSE, PHC CHALIYAR,
MALAPPURAM DISTRICT.

BY ADV. SRI.T.A.SHAJI

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF HEALTH AND FAMILY WELFARE,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF HEALTH SERVICES,
THIRUVANANTHAPURAM.

3. THE DISTRICT MEDICAL OFFICER OF HEALTH,
MANJERI, MALAPPURAM DISTRICT.

BY GOVT.PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI ,J.

WP(C).NO. 12956 of 2007

Dated this the Ist day of October, 2007

JUDGMENT

Petitioners were appointed as Junior Public Health Nurses, on a provisional basis, on various dates prior to 1994. Subsequently they were advised by the Public Service Commission and they were regularised in service with effect from the date of advice. According to the petitioners, provisional service rendered by them should also be taken into account for the purpose of regularisation, in as much as that the provisional services and the services after being regularly recruited are in the same category. According to the petitioners, a similar request by similarly situated persons have been accepted by this Court. They have pressed their claim before the District Medical Officer as per Ext.P1 which is pending. A request made under Ext.P1 in the case of one among the petitioners has not been accepted as per Ext.P2.

2. After having heard the learned counsel for the petitioners and the Government Pleader, the writ petition is disposed of in the following terms:

i) Petitioners may file a representation before the first respondent raising their claim for regularisation of their services taking into account their provisional service also within a period of three weeks from today. The petitioners may indicate in such representation that similar claim has been accepted by this Court and produce copies of the judgment in support thereof.

ii) On receipt of the representation, the first respondent shall take a decision thereon, keeping in mind the direction issued by this Court in similar cases and if similar claims have been accepted, petitioner's claim is also entitled to be accepted. Appropriate orders may be passed, in this regard, within a period of three months from the date of receipt of a copy of the representation.

V. GIRI, JUDGE

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